Improving Medical Performance

(Patients' rights – Doctors' rights)

Lecture 2

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Intended Learning Outputs

By the end of this session, participants should be able to:

1. Identify Patients' rights & responsibilities.
2. Identify Doctors' rights & responsibilities.
3. Acquire a good understanding of Physician–Patient Relationship
4. Recognize Hippocratic Oath

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Patients' rights

World Health Organization

- **Formalized in 1948, the Universal Declaration of Human Rights recognizes** الإعلان العالمي

"the inherent dignity" and the "equal and unalienable rights of all members of the human family". And it is on the basis of this concept of the person, and the fundamental dignity and equality of all human beings, **that the notion of patient rights was developed.**

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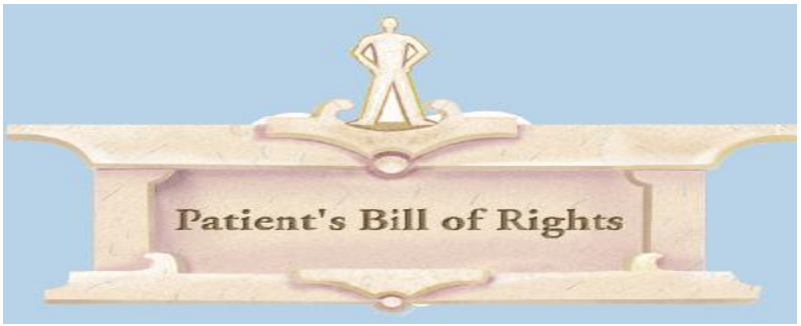

The Patients' Bill of Rights and Responsibilities has three goals:

1. To strengthen consumer confidence that the health care system is fair and responsive to consumer needs;

2. To reaffirm the importance of a strong relationship between patients and their health care providers; and

3. To reaffirm the critical role consumers play in safeguarding their own health.

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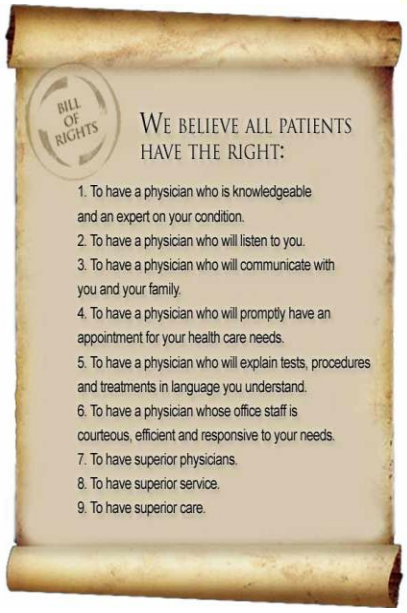
Patient's Rights


BILL OF RIGHTS
WE BELIEVE ALL PATIENTS HAVE THE RIGHT:
1. To have a physician who is knowledgeable and an expert on your condition.
2. To have a physician who will listen to you.
3. To have a physician who will communicate with you and your family.
4. To have a physician who will promptly have an appointment for your health care needs.
5. To have a physician who will explain tests, procedures and treatments in language you understand.
6. To have a physician whose office staff is courteous, efficient and responsive to your needs.
7. To have superior physicians.
8. To have superior service.
9. To have superior care.

- Know their rights
- Explanation of those rights
- Right to give informed consent
- Right to privacy
- Right to be informed of advantages and potential risks of treatment
- Right to refuse treatment
- Right to confidentiality

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Patients rights

- **The Constitution guarantees the right to:**
  - freedom of speech
  - free exercise of religion
  - not be discriminated against on the grounds of race, creed, color, or national origin.

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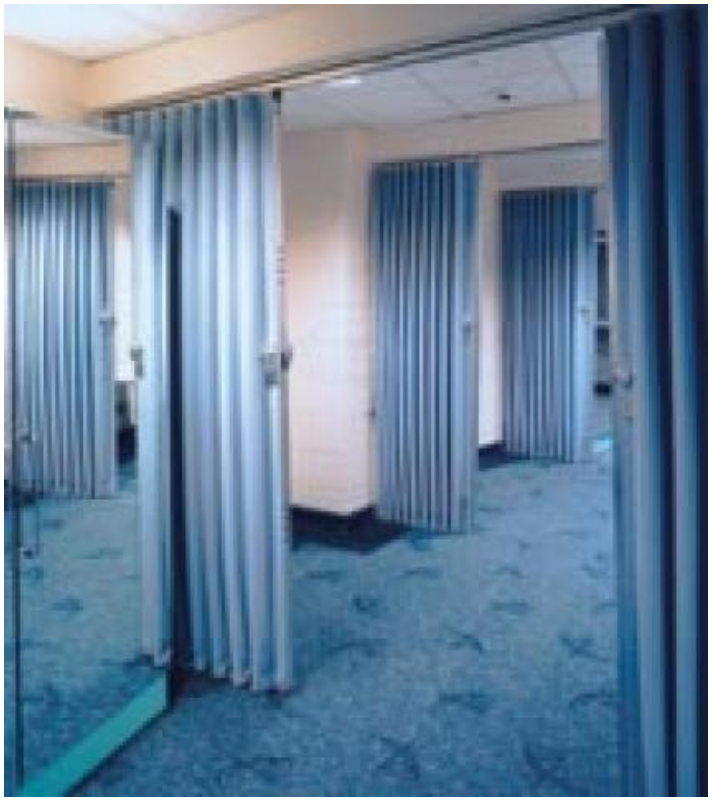
Privacy



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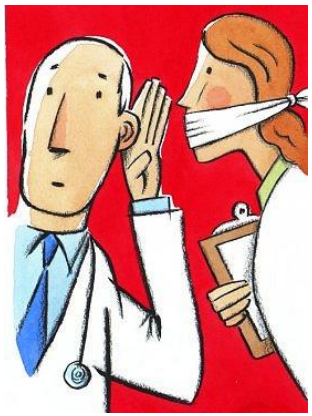
Confidentiality



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Confidentiality

- All information and records about treatment will be kept confidential by physician and staff unless consent to release is obtained

- Medical Patients Rights Act: all patients are entitled to have privacy respected and medical records handled confidentially
- **HIPAA regulations must be observed**

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Patient Responsibilities:

- To cooperate with all persons providing your care and treatment.
- To respect the property, comfort, environment and privacy of other patients.

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Patient Responsibilities (Cont.):

- To try to understand and follow instructions concerning your treatment and ask questions if you do not understand or need an explanation.

- To provide accurate and complete information regarding your health problems and medical history by answering all questions as truthfully and completely as you can.

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Patient Responsibilities (Cont.):

- To be responsible in your payment for treatment and to be cooperative and timely in providing insurance information.
- To inform the nurse of any medication brought from home.
- To accept responsibility for consequences following a decision to refuse treatment or instructions.

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Physician's Rights :

- Right to select patients he or she will see
- Right to refuse service to patients
- Right to determine type of service he or she will provide
- Right to be paid for services rendered
- Right to withdraw from relationship
- Right to vacation and time off

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Physician's Responsibilities :

- Human dignity
- Honesty
- Responsibility to society
- Confidentiality
- Continued study

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Professional Practice Responsibilities

- Duties during a Medical emergency :
  - Cannot ethically or legally turn away patient in an emergency situation
  - If unable to treat patient, then must call for emergency assistance
  - Patients cannot be turned away if **indigent** معوز or uninsured

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Duty Not to Abandon a Patient

- Once physician agrees to take care of patient, contract may not be terminated improperly
- Physician may be charged with abandonment تهم بالتخلي ا if formal notice of withdrawal is not given
- Physician must allow patient time to seek service of another physician

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Duty to Treat Patients with AIDS

- Unethical to refuse to treat, work with, or provide housing for person who is HIV-positive or has AIDS
- Physician, by law, must make full report to state about any patient who is HIV-positive or has AIDS

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Duty to Properly Identify Patients

- Identify patient both by stating his or her name and examining any other identification
  - Arm band
  - Driver's license
  - Use discretion with patient sign-in sheets to protect confidentiality
  - Have patient state name

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Physician Explaining Laboratory Test Results to a Patient (Dana White/PhotoEdit, Inc.)

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Consent

- Voluntary agreement by patient to allow medically trained person to touch, examine, and perform treatment
- Two types

1. Informed (expressed) consent :

a. Signed Consent

b. Written Consents

2. Implied consent موافقة ضمنية

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Patient Signs a Consent Form

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Doctrine of Informed Consent

- **Requires physician to explain in understandable language**
  - **Advantages and risks of treatment**
  - **Alternative treatments available to patient**
  - **Potential outcomes of treatment**
  - **What might occur—risk and benefits—if treatment is refused**

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Implied Consent

- **Patient indicates by *behavior* that he or she accepts procedure (i.e., offers arm to have blood sample drawn)**

- **Consent is assumed in medical emergencies when patient cannot respond to give consent**

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Physician–Patient Relationship

- **Both must agree to form relationship for there to be contract for services (implied contract)**
- **Under contract for services, patient can expect doctor to provide medical service for as long as necessary**
- **Patient must confide truthfully to physician**

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The Physician–Patient Relationship

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Prototypes of doctor-patient relationship

	Physician control (Low)	Physician control (High)
Patient control (Low)	Default	Paternalism
Patient control (High)	Consumerism	Mutuality

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Paternalism

- Is widely regarded as the traditional form of doctor-patient relationship

- A passive patient and a dominant doctor

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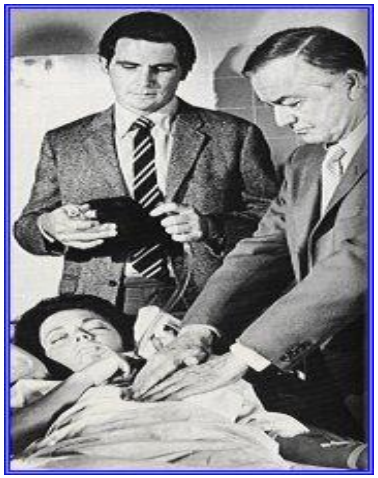

Paternalism

Four reasons the paternal physician is deficient:

- ❑**He acts on his own values**
- ❑**Patients know their own interests better than anyone else**
- ❑**Danger of abuse**
- ❑**The patient's substantive and procedural rights to pursue or reject any course of treatment based on subjective preferences**

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Parsons' model

- **Parson** saw the doctor and patient as fulfilling necessary functions in a well balanced and maintained social structure
- Sickness is considered to be a necessary, occasional respite, providing a brief exemption for patient from social responsibilities

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Doctor-patient relationship in the past

- **Paternalism**
- Because physicians in the past are people who have higher social status
- “doctor” is seen as a sacred occupation which saves people’s lives
- The advices given by doctors are seen as **paramount mandate**

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Doctor-patient relationship at present

- **Consumerism and mutuality**
- Patients nowadays have higher education and better economic status
- The concept of patient's autonomy
- The ability to question doctors

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Conclusion

- Relationship between patients and doctors are often unstated, and thy are dynamic
- As conditions change, the kind of relationship that works best for a patient may change
- **Doctors and patients should choose a "relationship fit"**

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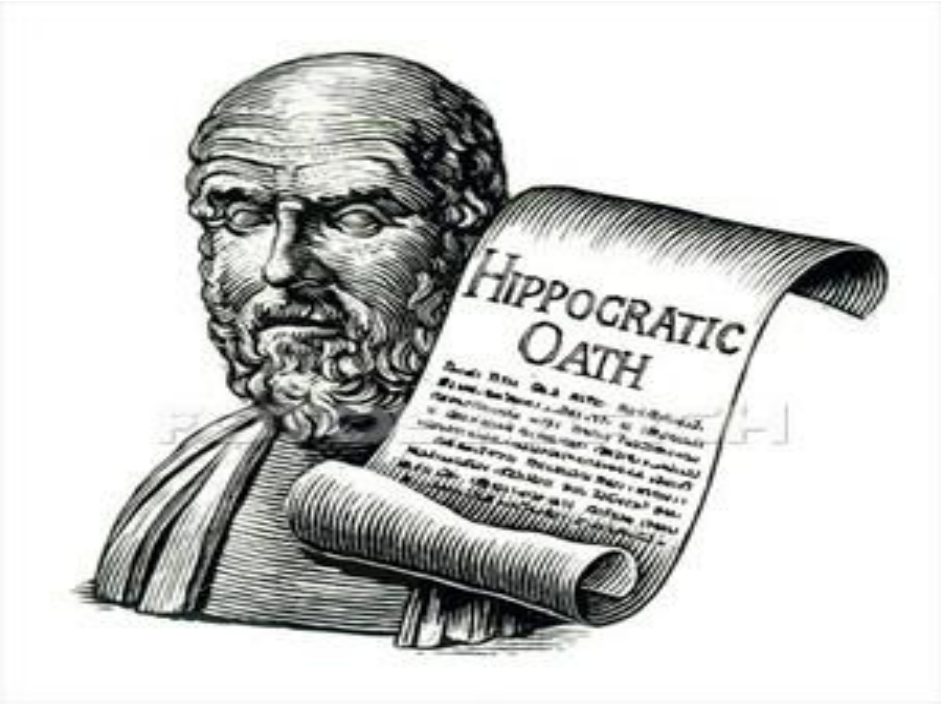
Hippocratic Oath



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Original Hippocratic Oath

- I swear by Apollo Physician and Asclepius and Hygieia and Panaceia and all the gods and goddesses, making them my witnesses, that I will fulfill according to my ability and judgment this oath and this convenant:

- To hold him who has taught me this art as equal to my parents and to live my life in partnership with him, and if he is in need of money to give him a share of mine, and to regard his offspring as equal to my brothers in male lineage and to teach them this art-if they desire to learn it-without fee and covenant; to give a share of precepts and oral instruction and all the other learning to my sons and to the sons of him who has instructed me and to pupils who have signed the covenant and have taken an oath according to the medical law, but to no one else.

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Hippocratic Oath Revisions

- The Oath has been modified multiple times, in several different countries. One of the most significant revisions is the Declaration of Geneva, first drafted in 1948 by the World Medical Association; it has since been revised several times.

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Formal Assignment 2

"Compare between 14 points of Deming and 14 steps of Crosby".

- Each participant will bring a HARD COPY Next Session

Use Search Engines to get information about the assignment.

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Informal assignment 2
(to be sent by MAIL ONLY+ Individual)

Please Read & Demonstrate Briefly :

- ✓ Logistics
- ✓ Supply Chain Management

Use Search Engines to get information about the assignment.

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